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W.P.No.29472 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.29472 of 2022

R.Mani

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Thiruvanamalai,
Thiruvanamalai District.

2.The Thasildar,
Thiruvanamalai,
Thiruvanamalai District.

3.C.Sampath

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the 1st respondent to dispose the Appeal dated 28.06.2021 preferred by the petitioner against the impugned order passed by the 2nd respondent in Mu.Mu.(G1)3881/2019 dated 15.07.2020 to cancel the order of changing Patta issued to the 3rd respondent for Survey No.56/11B2 to an extent of 0.02.40 square meter within the time frame that may be fixed by this Court.

For Petitioner

:

Mr.S.Arokiamaniraj



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For Respondents 1 & 2 : Mr.U.Bharanidharan,
Additional Government Pleader

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ORDER

The petitioner has filed this petition seeking direction to the 1st respondent to dispose the Appeal dated 28.06.2021 preferred by the petitioner against the impugned order passed by the 2nd respondent in Mu.Mu.(G1)3881/2019 dated 15.07.2020 to cancel the order of changing Patta issued to the 3rd respondent for Survey No.56/11B2 to an extent of 0.02.40 square meter within the time frame that may be fixed by this Court.

2. With the consent of both the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. Since no adverse order is being passed against the third respondent, notice to third respondent is dispensed with.

4. The case of the petitioner is that the property comprised in S.No.45/7A to an extent of 0.47 acres situated at Melchettipattu Village,



Thiruvanamalai Taluk, Thiruvanamalai District was purchased by petitioner's grandfather. After the demise of petitioner's grandfather, the aforesaid property was taken possession by his two sons viz., Oomaiyan @ Gopal and Rathinam, who is the father of petitioner and they were jointly enjoying the property. While that be so, the S.No.45/7A was renumbered as new S.No.56/11 to an extent of 0.17.0 hectar under the UDR Scheme by the Revenue Authorities. Thereafter, the said property was partitioned between the family members and the land in S.No.45/7A, New S.No.56/11 was settled in favour of the petitioner. Subsequently, the Revenue Authorities sub divided the renumbered S.No.56/11 into 56/11A and 56/11B.

4.1. When the petitioner's father was alive, he sold an extent of 0.05 acres and 0.01 acres comprised in S.Nos.44/8A and 44/8B situated at Melkachirapattu Village, Thiruvanamalai Taluk, Thiruvanamalai District to the third respondent and his father. Thereafter, the said S.No.44/8A was renumbered as New S.No.61/3 and S.No.44/8B was renumbered as New S.Nos.61/5, 61/6, 61/7, 61/8. Later, the third respondent's father mortgaged the property in S.Nos.44/8A and 44/8B to the petitioner and the same was



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cancelled after paying the loan to the petitioner.

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4.2. This being so, the third respondent has made a complaint before the second respondent to cancel the petitioner's patta and requested the second respondent to change the patta in his favour, however, without conducting any proper enquiry and providing opportunity to the petitioner, the second respondent wrongly considered the new renumbered survey number for old Survey No.44/8A and 44/8B as 56/11 instead of 61/3 and 61/5, 61/6, 61/7, 61/8 respectively and passed an impugned order dated 15.07.2020, cancelled the patta stands in the name of the petitioner and changed the same in favour of the third respondent.

4.3. After getting the wrong impugned order, the third respondent executed the sale deed in favour of one Mr.Pachaiappan mentioning the wrong impugned order for the proof of flow of title of the property. Aggrieved over the same, the petitioner preferred an appeal before the first respondent, since the receipt of petitioner's appeal, the first respondent has not taken any action. Hence, this writ petition.



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5. Learned counsel for the petitioner would submit that it would suffice, if this Court issues direction to the first respondents to dispose the petitioner's appeal dated 28.06.2021 preferred against the second respondent's order dated 15.07.2020, within a particular time frame to be fixed by this Court.

6. The learned Special Government Pleader appearing for the respondents has no objection for said direction being passed by this Court.

7. Heard the learned counsel on either side and perused the materials placed on record.

8. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the first respondent to consider and dispose of the petitioner's appeal dated 28.06.2021 after affording an opportunity of hearing to the petitioner as well as the third respondent, within a period of twelve weeks from the date of receipt of a



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copy of this order.

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9. With the above observation and direction, this Writ Petition is disposed of. No costs.

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Index : Yes/No

Speaking Order : Yes/No

M.DHANDAPANI,J.

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To:

1.The Revenue Divisional Officer,
Thiruvanamalai,
Thiruvanamalai District.

2.The Thasildar,
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